

THE
PETITION
OF RIGHT:

Exhibited to his
MAJESTIE.

By the Lords and Commons assembled in Parliament,
concerning divers Rights, and the Liberties of
the Subject;

With his Majesties severall Answers to them.

Also his Majesties Declaration upon the same.

Likewise,

His Majesties Commission of Array for Leicester Shire, written by the
King in Latine, and translated for the knowledge of the
Common-wealch.

With the Votes of both Houses of Parliament concerning the same.

John Browne Cler. Parliamentarum.

Together how Sir *Henry Hastings* and others had repulse, and were arrested by a
Sergeant at Armes in the execution of the said Commission.



THE PETITION OF RIGHT:

MAGNETIC

By the Lords and Commons assembled in Parliament,
concerning divers Rights and Liberties of
the Subject;

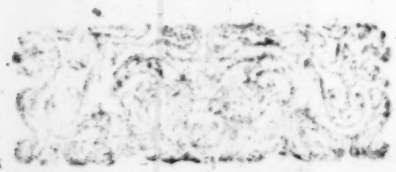
That the said Rights and Liberties are

and the said Declaration upon the same.

in the said Declaration, written by the
King in the knowledge of the
Council.

It is the Petition of the Houses of Parliament concerning the same.
John Broom Clerk of the House of Commons.

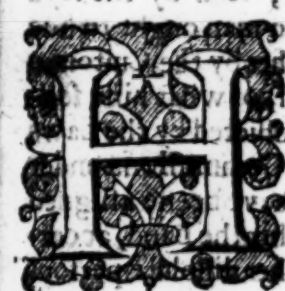
Sheweth that the said Rights and Liberties are
and the said Declaration of the said Commission.



Printed at London for George Emden, and are to be sold by John Cyprian at his
Shop in Holborn near Broom's Lane. 1741.

The Petition of Rights,
Exhibited to his Majestie, by the Lords Spirituall and Temporall,
and Commons in Parliament assembled, &c.

To the Kings most Excellent Majestie.



Humbly shew unto Our Sovereigne Lord the KING, the Lords Spirituall, and Temporall Commons in Parliament assembled, That whereas it is declared and enacted by a Statute made in the time of the Reigne of King Edward the first, commonly called *Statutum de Tallagio non concedendo*, That no Tallage or Ayde shall be laid or levied by the King or his Heires in this Realme, without the good will and assent of the Archbishops, Bishops, Earles, Barons, Knights, Burghesses, and other the Freemen of the Commonalty of this Realme. And by Authority of Parliament holden in the five and twentieth yeare of the Reigne of King Edward the third, it is declared and enacted, That from hence forth no person should be compelled to make any Loanes to the King against his will, because such Loanes were against reason, and the Franchise of the Land. And by other Lawes of this Realme it is provided, that none should be charged by any charge or imposition, called a Benevolence, nor by such like charge, by which the Statutes before mentioned, and other the good Lawes and Statutes of this Realme, your Subjects have inherited this Freedome. That they should not be compelled to contribute to any Taxe, Tallage, Ayde, or other like Charge, not set by common consent in Parliament.

Yet nevertheless of late, divers Commissions directed to sundry Commissioners in severall Counties with instructions, have issued by meanes whereof your people have been in divers places assembled, and required to lend certaine summes of money unto your Majestie, and of them upon their refusal so to do, have had an Oath administered unto them, not warrantable by the Lawes or Statutes of this Realme, and have been constrained to become bound to make appearance and give attendance before your Privie Councell, and in other places, and others of them have been therefore Imprisoned, confined, and sundry other waies molested and disquieted. And divers other charges have been levied upon your people in severall Counties, by Lord Lieutenants, Deputie-Lieutenants, Commissioners for Musters, Justices of Peace, and others by Command or Direction from your Majestie, or your Privie Councell against the Lawes and free Customs of the Realme.

And where also by the Statute called *The Great Charter of the Liberties of England*, It is declared and enacted, That no Freeman may be taken or imprisoned, or be disseised of his Freehold, or Liberties, or his free Customs, or be outlawed, or exiled, or in any manner destroyed, but by the lawfull Judgement of his Peeres, or by the law of the Land.

And in the eight and twentieth yeare of the reigne of King Edward the third, it was declared and enacted by authority of Parliament, that no man of what estate and condition that he be, should be put to death without being brought to answer by due Process of Law.

Notwithstanding against the tenure of the same, good Lawes and Statutes of your Realme, to that end provided, divers of the same have of late been imprisoned without any cause shewed: And when further deliverance they were brought before you Justices by your Majesties Writs of Habeas Corpus, there to undergo and receive as the Court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesties speciall command, signified by the Lords of your Privie Councell, and yet were returned back to severall prisons without being charged with any thing to which they might have answer according to Law.

And whereas of late, great Companies of Souldiers and Marriners, have beene dispersed into divers Countie of the Realme, and the inhabitants, against their wills, have beene compelled to receive them into their houses, and there to suffer them to sojourne against the Laws and Customes of this Realme, and to the great grievance and vexation of the people.

And whereas also by authority of Parliament, in the five and twentieth yeare of the Raigne of King Edward the third, it is declared and enacted that no man should be forejudged of life or limbe against the forme of the Great Charter and the Law of the Land; And by the sayd Great Charter, and other the Lawes and Statutes of this your Realme, no man ought to bee adjudged to death, but by the Lawes established in this your Realme, either by the Customes of the same Realme, or by Acts of Parliament. And whereas no offender, of what kind soever, is excepted from the proceedings to be used, and punishments to be inflicted by the Laws and Statutes of this your Realme: Nevertheless, of late time divers Commissions under your Majesties great Seale have issued forth, by which certayne persons have beene assigned and appointed Commissioners with power and authority to proceed within the Land, according to the Justice of Martiall law, against such souldiers or Marriners, or other dissolute persons joyning with them, as should commit any murder, robbery, felony, mutiny, or other outrage, or misdemeanour whatsoever, and by such summary course and order, as is agreeable to Martiall Law, and as is used in Armies in time of Warre, to proceed to the tryall and condemnation of such offenders, and them to cause to be executed and be put to death according to the Law Martiall.

By pretext whereof some of your Majesties Subjects have beene by some of the said Commissioners put to death, when and where, if by the Lawes and Statutes of the Land they had deserved death by the same Lawes and Statutes also they might, and by no other ought to have beene judged and executed.

And also sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the Lawes and Statutes of this your Realme, by reason that divers of your Officers and Ministers of Justice have unjustly refused or forborne to proceed against such offenders, according to the same Lawes and Statutes, upon pretence that the said offenders were punishable onely by Martiall Law, and by authority of such Commissioners as aforesaid: Which Commissioners and all other of like nature are wholly and directly contrary to the said Lawes and Statutes of this your Realme.

They do therefore humbly pray your most Excellent Majesty, that no man hereafter be compelled to make or yeeld any Gift or Loane, Benevolence, Taxe or such like Charge, without common consent by Act of Parliament. And that none be called to make answer, or to take such Oath, or to give attendance, or be confined, or otherwise molested, or disquieted concerning the same, or for refusal thereof. And that no Freeman in any such manner as is before mentioned, be imprisoned or detained. And that your Majesty would be pleased to remove the said Souldiers and Marriners, and that your people may not be so burthened in time to come. And that the foresaid Commissioners for proceeding by Martiall Law may be revoked, and annulled. And that hereafter no Commissions of like nature may issue forth to any person or persons whatsoever, to be executed, as aforesaid, distibuted, or shewed to any of your Majesties Subjects be destroyed or put to death, contrary to the Lawes and Statutes of the Land.

All which they
Liberties, according
also vergeth to declare the Awards, doings and proceedings, to the prejudice of your
people, in any of the premises, shall not be drawne hereafter into consequence of example.
And that your Majesty would be also graciously pleased, for the further comfort and safety
of your people, to declare your Royall will and pleasure, that in the things aforesaid, all
your Officers and Ministers shal serve you according to the Laws and Statutes of this Realm,
as they tender the honour of your Majestie, and the prosperity of this Kingdome.

Which Petition being read, the Kings answer was thus delivered unto it.

THe King willeth, that Right be done according to the Lawes and Customes of this
Realme: And that the Statutes be put in due execution, that his subjects may have no
cause to complaine of any wrong, or oppositions, contrary to their just rights and liberties:
To the preservation whereof, He holds himselfe in conscience as well obliged, as of His
Prerogative.

*But this answer not giving satisfaction, the King was againe petitioned unto, that he would give
a full and satisfactory answer to their Petition in full Parliament.*

Whereupon the King in Person made this second answer.

My Lords and Gentlemen,

THis answer I have already given you, was made with so good deliberation, and approved by
the judgements of so many wise men, that I could not have imagined, but that it should have
given you full satisfaction, but to avoid all ambiguous interpretations, & to shew you that there
is no doublenesse in my meaning, I am willing to please you in words, as well as in substance.
Read your Petition, and you shall have an answer that I am sure will please you.

And then causing the Petition to be distinctly read by the Clerke of the Crowne, the
Clerke of the Parliament read the Kings answer thereto in these words.

Vous droit fait comme est desire, Let right be done as is desired.

Which being done, the King in Person said thus.

THis I am sure is full, yet no more then I granted you in my first answer, for the meaning of that
was, to confirme all your Liberties, knowing according to your owne protestation, that your
other means, nor can hurt my Prerogative: And I assure you my Maxime is, That the peoples Libe-
ty strengthens the Kings Prerogative, and that the Kings Prerogative is to defend the peoples
Liberties.

*To see now, how ready I have shewed my selfe to satisfie your demands, so that I have done my part,
therefore if this Parliament have not a happy conclusion, the sin is yours, I am free of it.*

And on the last day of the Session, His Majesties Speech to both Houses before his
assent to the Bills, was this.

My Lords and Gentlemen,

It may seeme strange that I come so suddenly to end this Session, therefore before I give my assent
to the Bills, I will tell you the cause, though I must avow that I owe an account of my actions to
none but God alone. It is knowne to every one, that a while agoe the House of Commons gave me
a Remonstrance, how acceptable every man may judge, and for the merits of it, I will not call that in
question, for I am sure no wise man can dispute it.

Arrowes, so that they shall not delay, or cause to be delayed at his owne house in his owne
Country, in defence of the said Kingdome, against our enemies, if danger should happen,
that for their delay they endanger not the Kingdome. And to the said men of Armes, or ar-
med men and Archers so arrayed and furnished continually in their arrayment as in an hun-
dred thousand, or other-wise, as it shall be held necessary and convenient, but wee doe as-
signe you, or any three or more of you, of whom we intend you Henry Earle of Huntington
aforesaid; and in your absence, you William Earle of Devon, or you Henry Hastings aforesaid,
sonne to the said Earle of Huntington, should be one to command and enioyne these men of
Armes, or men armed, and Archers so arrayed and habilited, as well at the Sea coasts, as in
any other places, where, and as often as it shall be necessary to expell, beat back and destroy
our enemies from time to time, when any danger shall appeare. We assigne also you, and any
three or more of you, to make, or cause those men of Armes, men armed, and Archers from
time to time, as often as need shall require, diligently to be done and supervised. And also to
proclaime, order, and diligently examine, that all and singular of these men of Armes, men
armed, or Archers, to bee armed with their owne, and no other Armes, upon punishment of
losing them: those onely excepted, who ought to be armed at the expences of others, as is a-
foresaid, and to arrest and take all and singular, whom you shall find contrary and rebellious
in this case, and to commit them to our prison, and to remaine in the same, till they bee freed
by the Law. Therefore Wee command and enioyne you more strictly, that Wee may by the
faith and allegation whereby Wee are bound, that these Presents being seene, that you may
be more securely arrayed and prepared before you at certaine dayes and places, which shall
seeme more competent and expedient, and lesse hurtfull to our people, that all men staying in
your Country, by whom the Arrayment and Ammunition may be better performed, come and
are called, and those to be arrayed, armed and habilited, & those so arrayed & habilited in this
arrayment, be completed: and that you cause the signes to be set up called *Beacons*, in the accu-
stomed places, by which the Country may be fore-armed, and fore-warned of the coming of
our enemies, in congruent times. And that you cause those men so arrayed & habilited, when
danger shall be feared, to march out in defence of the King and Country, from time to time,
as well at the Sea coast, as in any other places, when it shall be more necessary, or that any
or more of you, whereof we intend that you, Henry Earle of Huntington, and in your absence
William Earle of Devon, or you Henry Hastings, son to the aforesaid Earl of Huntington, shall
be one that shall command them to march out, as is aforesaid, so that for the defect of the
defence, arrayment, or marching out of the said men of Armes, or by your negligence the losse
of the Country be not caused by our enemies in any manner: But wee doe grant to all and
singular Earles, Barons, Knights, Maiors, Bailiffes, Constables, Ministers, and other faithful
and liege Earles aforesaid (as well within the liberty as without) firmly by the te-
nour of these presents, in command that they be intendant, counselling, and helping & assist-
ing you, or either of you, in the execution of the foresaid premises. And that you cause that
all those in the Counties foresaid, doe meet before you, or before any three or more of you, at
certaine dayes and places, which you, or any three or more of you, as aforesaid, shall ordaine
most convenient, by whom the arrayment, assention, and ordination may be the better execu-
te, and those to whom it shall happen to be taken and arrested for rebellion, to be kept in pri-
son, as is aforesaid. In testimony whereof we have made these our Letters Patents. Witness our
Selfe the eleventh day of June, in the eighteenth year of Our reigne.

By the King,

Willm.

Die

Die Sabbati 18. Iunii 1642.

Resolved upon the Question by the Lords and Commons assembled in Parliament
That this Commission of Aray for Leicester is against Law, and the liberty and property
of the Subject.

Die Luna 20. Iunii 1642.

Resolved upon the Question, &c.

That all those that are Actors in the putting of the Commission of Aray in execution,
shall be esteemed as disturbers of the peace of the Kingdome, and betrayers of the liberty
of the Subject.

Ordered that this Commission of Aray and the aforesaid Votes shall
be forthwith printed and published through the Kingdome.

John Brown Cler. Parliamentarius.

The Commission of Aray put in Execution.

HIS Majesty having sent this Commission of Aray unto the above-named
which was not with little acceptation received by Sir *Henry Hastings*, sonne
to the Earle of Huntington, Mr. *Hofford* of Wiltor, &c. by reason the Lord
Ruthin, and Sir *Arthur Hasselridge*, contrary to their desire and expectation,
prevailed with the County, and were chosen Knights of the Shire, and wor-
thily preferred in their behalfe to consult with the high and honourable As-
sembly of Parliament. And therefore with all alacrity endeavour with all their power to op-
pose the obedient endeavours to the Parliaments command of the Lord *Ruthin* and Sir *Arthur*
Hasselridge, &c.

On Wednesday, the 22. of this present June in the afternoone, the fore-named *Henry*
Hastings, with others, came to Leicester with a great number of attendants, who aided with
them, to put their Commission of Aray in execution, thereby to nullifie what the other had
already performed, and to imprison those that should not assent them in this designe, or should
side with the other: so that great commotions began to rise: for this hostile number so sud-
denly coming upon them, made the inhabitants feare, they came to surprize the Towne. The
Lord *Ruthin* and Sir *Arthur Hasselridge* giving their personall attendance in the fore-noone,
and had with their owne hands and others stuck upon posts in the market place, & other pla-
ces, orders from the trusty & honourable House of Parliament, which the said *Henry Hastings*
with their company, pulled off, & vilified with opprobrious words. At which the Townesmen
took it very heynously, and said, It was a high affront, and great indignity to the Parliament.

And although the Lord *Ruthin* and Sir *Arthur Hasselridge*, were not present at this
instant of time, when these great disasters were like to befall, yet the wisdom of the Par-
liament had provided (that if whom they had appointed Lieutenants for that County, should
have any opposition) a Sergeant at Armes, who was there present, and did in the Kings name,
and in the name of the high Court of Parliament, arrest the said *Henry Hastings* and others,
and would have their bodies put into safe custody.

This sudden act perswaded their mindes to desist, as was thought by the changing of their
colour: and now began the Townesmen to bestir themselves, to have the Sergeant at Armes
his Prisoners forth-comming.

But by reason of the multitude of the one, and the paucity of the other, after much striving
for the space of two houres, at length got the Prisoners mounted on Horse-backe, and so at
once rode all away together.

FINIS.

UMI